

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:)
)
RICHARD SANFORD WHITE LIVING)
TRUST and TRUST F/B/O MARJORIE)
CLAIRE TAYLOR Established)
Thereunder; RICHARD SANFORD)
WHITE, Deceased Grantor.)
)
MARJORIE CLAIRE TAYLOR,)
Beneficiary)
)
Plaintiff,)
)
v.) No. 12-2069
)
PAUL D. MYERS and EDWARD C.)
HAYWARD, III, Trustees,)
)
Defendants.)

ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Before the Court is Plaintiff Marjorie Claire Taylor's ("Taylor") Motion for Default Judgment against Defendants Paul D. Myers and Edward C. Hayward (the "Trustees"). (ECF No. 15.) Taylor filed her original Petition to Remove Trustees in the Probate Court of Shelby County, Tennessee on December 21, 2011. (ECF No. 1-1.) On January 30, 2012, the Trustees removed the case to the District Court, (ECF No. 1.), and on February 20, 2012, the Trustees filed a Motion to Dismiss Taylor's Petition,

(ECF No. 3). The Trustees' Motion was denied on August 20, 2012. (ECF No. 12.) Taylor filed her Motion for Default Judgment on September 14, 2012. She did not request that the Clerk of the Court enter default against the Trustees.

On November 8, 2012, the Court permitted Taylor to file an Amended Complaint for Damages against the Trustees. (ECF No. 28; ECF No. 24.) The Trustees filed an Answer to Taylor's Amended Complaint on January 2, 2013. Because Taylor's Amended Complaint for Damages replaced her original Petition and the Trustees have filed a responsive pleading to the Amended Complaint, Taylor's Motion for Default Judgment is DENIED as moot.

So ordered this 28th day of January, 2013.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE